

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

SUNNY DESIGN AND BUSINESS
CONSULTING, LLC; and CHIH WEI HO,
A/K/A SUNNY HER,

Plaintiffs,

vs.

EMPIRICAL REGENT, LLC, d/b/a
BRIGHTWELL AQUATICS,

Defendant.

No. C19-1836 RAJ

**PLAINTIFFS SUNNY DESIGN AND
BUSINESS CONSULTING, LLC'S &
CHIH WEI HO, A/K/A SUNNY HER'S
STATUS REPORT ON RELATED
ACTION**

1 On February 25, 2020, in the action entitled *Empirical Regent, LLC d/b/a Brightwell*
2 *Aquatics v. Sunny Design and Business Consulting, LLC et al.*, Case No. 1:19-cv-03253-MHC,
3 pending in the United States District Court for the Northern District of Georgia, Atlanta Division
4 (the “Related Action”), Hon. Mark Cohen granted Sunny Design and Business Consulting,
5 LLC’s and Chih Wei Ho a/k/a Sunny Her’s (collectively “Brightwater”) Motion to Dismiss For
6 Lack Of Personal Jurisdiction Or, In the Alternative, Motion To Transfer Venue. See
7 Declaration of Andrew G. Hamill (“Hamill Decl.”) Exh. A. Judge Cohen ordered that the
8 Related Action be transferred to the Western District of Washington. *Id.* The Related Action has
9 been assigned case number 2:20-cv-00303-RAJ and assigned to this Court. Hamill Decl. Exh. B.

10 In the Related Action, Empirical Regent, LLC d/b/a Brightwell Aquatics (“Empirical”),
11 the declaratory judgment defendant in this action, filed suit against BrightWater for, *inter alia*,
12 trademark infringement. See Dkt. No. 6. BrightWater previously identified the Related Action
13 in its Notice of Pendency of Other Action in Another Jurisdiction or Forum, filed November 13,
14 2019. Dkt. No. 2. The causes of action in this Action and in the Related Action are mirror
15 images of each other and the parties and issues completely overlap.

16 Due to the commonality of issues and parties, in the interests of judicial economy and
17 efficiency, BrightWater requests that this action be consolidated with the Related Action once
18 the transfer is finalized.

1 Dated: February 26, 2020

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